

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Fire Commission	Meeting Date	June 6, 2016
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 2:00 p.m.	End of Meeting: 3:21 p.m.
Present	Vice-Chair Thomas Nizo; Members: Harold (Dan) Brown, Clifton (Jimmy) Miranda (Arrived at 2:08 p.m.), Chad Pacheco and Mari Yokoi Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Deputy County Attorney Teresa Tumbaga. Fire Department: Fire Chief Robert Westerman and Secretary Eve Domingcil.			
Excused	Commissioner Michael Martinez			
Absent				
SUBJECT		DISCUSSION		ACTION
Call To Order				At 2:00 p.m. Vice Chair Nizo called the meeting to order with four (4) members present constituting a quorum.
Election of Chair and Vice Chair		Vice Chair Nizo opened the floor for nominations. Commissioner Brown nominated Vice Chair Nizo to the position of Chair and Commissioner Yokoi to the position of Vice Chair. Hearing no objections from both Commissioners, Vice Chair Nizo closed the nominations and called for the vote. At 2:08 p.m. Commissioner Miranda entered the meeting.		By a vote of 5:0, the Commissioners elected Vice Chair Nizo to the position of Chair for the remainder of the year, and Commissioner Yokoi to the position of Vice Chair for the remainder of the year.
Approval of Minutes for May 2, 2016		Chair-elect Nizo called for a motion to approve the meeting minutes.		Commissioner Brown moved to accept the meeting minutes of May 2, 2016. Commissioner Pacheco seconded the motion. The motion carried 5:0

SUBJECT	DISCUSSION	ACTION
Chief's monthly reports	<ol style="list-style-type: none"> 1. Fire Commission Reports for the month of April 2. KFD Fiscal Report for FY 2015/2016 3. Daily Flight Hours and Alarm Data 4. Letters of Commendation 5. Chiefs announcements and pertinent updates <p>Chief Westerman stated that relative to the report writing, the bureaus are working on creating a format that will be easier to read and understand. He reported that on April 12-15 he attended the CNH (California Nevada and Hawai'i) Conference at the Sheraton Kaua'i Resort in Po'ipū. The conference was hosted by the Division of Forestry and Wildlife.</p> <p>He met with the attorneys representing the Midler property to talk about the possibility of relocating the Kapa'a Fire Station to the area. He also met with Casey Reimer of Jack Harter Helicopters to inspect a helicopter water bucket that he recently purchased to help the Fire Department with aerial drops.</p> <p><u>Ocean Safety Bureau</u> Fire Chief Westerman reported the installation of PA Systems in Kekaha, Po'ipū, Hā'ena and Pavilion.</p> <p>Commissioner Brown asked if the report included the number of water rescues within any given month to which Fire Chief Westerman replied if it requires a water rescue, then it should be in the report.</p> <p><u>Budget Status for FY 2015-2016</u> Fire Chief Westerman reported as of April 30, 2016, the Department's total expenditures plus encumbrances is at 83.33% with 16.67% remaining. With the exception of having to transfer funds from the salary budget into</p>	

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	<p>the operational budget to cover an unexpected porta potty bill, the Fire Department is expected to remain on target.</p> <p><u>Chief’s Announcements</u> The Kaua‘i Life Guard Association will be hosting its 4th Wave Celebration Fundraiser on October 22, 2016 at the Kauai Marriott Resort and Beach Club in Nāwiliwili. The proceeds from the event will go towards the purchase of a truck, jet ski, and trailer to help the ocean safety officers with water rescues.</p> <p>With no further discussion, Chair-elect Nizo called for a motion to receive the Chief’s monthly reports.</p>	<p>Commissioner Pacheco moved to receive the Chief’s monthly reports. Commissioner Miranda seconded the motion. The motion carried 5:0</p>
<p>Business KFC 2016-01</p>	<p><u>Discussion on evaluating the Fire Chief based on criteria found in the Kaua‘i County Charter and the Kaua‘i County Fire Commission Rules of Administrative Practice and Procedure.</u></p> <p>Chair-elect Nizo stated that the discussion is a continuation from the last meeting in which the Commission wanted to create a new evaluation form similar to what the Police Commission uses to evaluate the Chief of Police. He stated that unless he’s mistaken, the new process would include input from the Mayor which might have an impact on the Chief’s evaluation.</p> <p>Administrator Furfaro stated that how big of an impact the Mayor’s input would have on the Chief’s evaluation is under review by the Department of Human Resources and no decisions have been.</p> <p>Chair-elect Nizo asked if the Mayor’s input would impact how the Commission rates the Chief, as well as his compensation the</p>	

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	<p>Commission feels he deserves.</p> <p>Administrator Furfaro stated that he cannot provide an answer as to what degree the Mayor's input will have because it's still under review; however, as it stands right now, the Commission's evaluation of the Chief is extremely important because it aligns with his salary.</p> <p>He shared that the Salary Commission indicated that if a department head is unable to reach a 3-point rating from a scale of 1-5, then they should not receive a pay increase because of poor performance. However, that's a legal question for the county attorney to determine whether or not the Salary Commission has that type of influence.</p> <p>Chair-elect Nizo stated that it should be up to the Commission to evaluate the Chief and no one else; no one should have a say in it.</p> <p>Administrator Furfaro stated that regardless of how a department head is evaluated, when those reviews come in, he interprets them as being the reviews by the Commission and no one else.</p> <p>Chair-elect Nizo asked the Deputy County Attorney Tumbaga if she could monitor the situation and if possible, provide the Commission with an update when the information becomes available. He stated that it's important for the Commissioners to know just how much influence (if any) the Mayor will have relative to the Chief's performance evaluation.</p> <p>Deputy County Attorney Tumbaga asked the Chair if he could refrain from asking questions until the Commission enters into executive session.</p>	

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	<p>Fire Chief Westerman stated that there seems to be some confusion about the evaluation process and suggested that the Commissioners invite the HR Director to the next the meeting to clarify the process. Administrator Furfaro stated that he would like to address the issue in executive session as to the role of the Fire Commission.</p> <p>Chair-elect Nizo asked Staff if she could send an invitation to Ms. Rapozo to attend the next meeting to provide an update on the new proposed evaluation process for the appointees. Staff acknowledged the Chair's request and will make the necessary arrangements.</p> <p>With no further discussion, Chair-elect Nizo moved onto the next agenda item.</p>	
<p>KFC 2016-02</p>	<p><u>Discussion and decision-making on sending two Commissioners to attend the 2016 International Association of Fire Chiefs Annual Conference & Expo from August 17 through 20, 2016 at the Henry B. Gonzalez Convention Center in San Antonio, Texas.</u></p> <p>Commissioner Brown stated that it would be advantageous for the all the Commissioners to attend the conference so they can learn about the operational aspect of what the Fire Department does.</p> <p>Chief Westerman stated that the Commissioners needs to make a decision today on who they want to send to the conference. Ms. Domingcil pointed out that the rooms are selling out fast and if the hotel doesn't get their names right away, there may be no rooms available at the hotel the Chief plans to stay at, which is in the western division. Commissioners Pacheco and Yokoi stated that they are both interested in attending the conference, but they would have to check their schedules first before making a commitment.</p>	

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	Chair-elect Nizo stated that whoever wants to attend the conference should contact Mercedes by 10 a.m. tomorrow morning, or sooner, if possible. He added that if Commissioners Pacheco and Yokoi are unable to attend the conference due to their schedules, he is available and can attend. Commissioner Miranda stated that he's also available and would like to attend the conference as well.	
Announcements	Next meeting – Wednesday, July 6, 2016 , at 2:00 p.m. at the Mo'ikeha Building, Meeting Room 2A/2B.	
Executive Session ES KFC 2016-01	<p>At 2:52 p.m. Chair-elect Nizo cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.</p> <p>Pursuant to the Hawai'i Revised Statutes §92-4 and §92-5 (a) (2) and (4), <u>the purpose of this Executive Session is to review, discuss and decision-making on the Fire Chief's Evaluation Results for any Salary Adjustment effective July 1, 2016 and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as it may relate to this agenda item.</u></p> <ul style="list-style-type: none"> • <u>Attachment – Copy of Fire Chief Robert Westerman's 2016 Performance Evaluation Results.</u> <p>Chair-elect Nizo called for a motion to enter into Executive Session.</p>	<p>Commissioner Brown moved to enter into Executive Session. Commissioner Miranda seconded the motion. The motion carried 5:0.</p> <p>At 2:53 p.m. the Commission entered into Executive Session.</p>
Return to Open Session to Ratify the actions taken in Executive Session	<p>At 3:20 p.m. the Commission returned back into Open Session.</p> <p>Chair-elect Nizo called for a motion to ratify the actions taken in Executive Session.</p>	Commissioner Brown moved to ratify the actions taken in Executive Session. Vice Chair Yokoi seconded the motion. The motion carried 5:0

SUBJECT	DISCUSSION	ACTION
		ES KFC 2016-01: Motion carried 5:0 to implement a pay adjustment for Fire Chief Westerman at the maximum allowable cap of \$127,313, effective July 1, 2016, as set by the Salary Commission in Resolution 2016-02.
Adjournment	Chair-elect Nizo called for a motion to adjourn the meeting.	Commissioner Pacheco moved to adjourn the meeting. Vice Chair Yokoi seconded the motion. The motion carried 5:0 At 3:21 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Thomas Nizo, Chair

() Approved as circulated on

(X) Approved as amended. See minutes of September 7, 2016 meeting.